

COMMITTEE ON HUMAN RESOURCES/INSURANCE

November 28, 2006

5:00 PM

Chairman Gatsas called the meeting to order.

The Clerk called the roll.

Present: Aldermen Gatsas, Shea, Garrity, Pinard, Duval (late)

Messrs.: T. Arnold, V. Lamberton, Chief Kane, K. Sheppard, T. Bowen,
Mayor Guinta

On motion of Alderman Garrity, duly seconded by Alderman Shea it was voted to recess the meeting, to await Alderman Duval's arrival..

Chairman Gatsas called the meeting back to order.

Chairman Gatsas addressed Item 3 of the agenda:

Discussion relative to qualified residents of the City be given first consideration for employment or promotion within city government.

Alderman Shea stated in view of the material we received and correspondence from the City Solicitor's Office, I move to receive and file.

Alderman Duval stated I received, and it certainly is compelling, the information that we did get, however, I would like to become a little bit more educated about this before we receive and file if that is possible. It is certainly something that I think the value is seen by this Board given the discussion that took place at the last full Board meeting. I don't know if other Committee members have suggestions but I think it is worthy of some more intense and further consideration before we receive and file.

Alderman Garrity asked Deputy Solicitor Arnold can you tell me why cities like Boston and Milwaukee are able to do it. Is it just because of the state constitution in that particular state?

Thomas Arnold, Deputy City Solicitor, stated I can't speak for other states. I presume that is the case. As you can see from the letter that I sent to the Committee, here in NH the NH state constitution is implicated and the courts have held that except in specific instances you cannot have a residency requirement.

Alderman Garrity responded I did read your letter, Mr. Arnold. I was just curious as to how other states can do it. I think if I had that information I could make a better judgement on it. I mean obviously if it is against the state constitution we can't do it but I am curious to know why other cities and towns can do it.

Deputy Solicitor Arnold replied as I said I can't speak for other states. I can only presume that in other states the courts have not held that it is constitutionally protected.

Alderman Shea stated some of this has to do with the collective bargaining contractually correct. I am not sure...could you respond to that Tom?

Deputy Solicitor Arnold responded I believe that in some of the collective bargaining agreements here in the City the residency requirement has been addressed and obviously with those collective bargaining agreements that have such provisions, the City would be bound by them.

Alderman Shea asked so in response there are two things. One has to do with collective bargaining and one has to do with state regulations is that correct?

Deputy Solicitor Arnold answered the state constitution yes.

Alderman Shea stated so basically in order for the implementation of this, the collective bargaining would have to be changed as well as a change in the constitution.

Virginia Lamberton, Human Resources Director, stated I have a couple of comments. After the last Board meeting, I did a little bit of research and in some states in the mid-West they have laws that allow for residency requirements, however, those are all being challenged by employees, particularly fire and police employees. I don't know about Boston. I didn't look at Boston. Secondly, yes in our collective bargaining agreements for Fire and I think Police, a certain percentage of the firefighters and police officers have to live in the City but the rest do not. I have some outdated numbers from June. In the Police Department as of June 2, 147 employees live outside of the City and 119 live in the City. In the Fire Department, 121 live out of the City and 136 live in the City. So as you can see we have about 45%-48% of those employees that do not live in the City

and the rest do. Again, to change collective bargaining agreements would require agreement by the unions and with those high numbers of employees that do not live in the City it is unlikely that a union is going to be enthusiastic about changing the collective bargaining agreement because it would have a direct impact on its membership.

Alderman Garrity stated that being said we are not requiring that everybody that is currently employed in the City to move within the City limits. That is not even up for discussion. Those folks would obviously be grandfathered in. I want to clear something up Mr. Chairman. We are not talking about hiring or promoting unqualified candidates. I just want to clear that up. We are just not out to hire people who live in the City that are not qualified for hire or promotion. I would like to see some information from the Solicitor's Office as to why this can happen in other towns and cities throughout the country and I will make a motion to table.

Alderman Duval duly seconded the motion to table.

Chairman Gatsas called for a vote. The motion carried with Aldermen Shea and Gatsas duly recorded in opposition.

Chairman Gatsas addressed Item 5 of the agenda:

Communication from Virginia Lamberton, Human Resources Director, on behalf of Chief Kane, recommending that the Business Service Officer at the Fire Department be reclassified as a Business Administration, salary grade 20.

Chairman Gatsas asked what is the current classification of that position.

Ms. Lamberton answered it is a Business Service Officer, salary grade 22.

Chairman Gatsas asked so it is a reduction in pay from where to where.

Ms. Lamberton answered it is a salary grade 22 to a salary grade 20.

Chairman Gatsas asked prices.

Ms. Lamberton answered there is no incumbent just so you know. If we take the midpoint in salary grade 22, that is \$60,149 and salary grade 20 is \$52,537. So \$8,000 or \$9,000 midpoint.

Alderman Shea asked Chief Kane to come forward because I have a question. Chief Kane Mr. Lemire's classification we just found out. Now who has assumed his duties since he left in July? Have you had someone doing that?

Joseph Kane, Fire Chief, stated obviously his duties have been assumed for the most part they have been assumed by Linda Miccio.

Alderman Shea asked so somebody has been doing his particular...

Chief Kane interjected that is correct.

Alderman Shea asked is that the person that, without necessarily indicating who will take it, will it be a person in that capacity that would tend to do it. Someone that has assumed the role or someone who may be coming in from somewhere else?

Chief Kane answered obviously that person would be a candidate, I believe, but the job would have to be posted to allow all candidates to apply for the position.

Alderman Garrity asked currently that job is not posted correct.

Chief Kane answered that is correct.

Chairman Gatsas asked what is the current labor grade of the person doing the work now.

Ms. Lamberton answered a salary grade 16.

Chairman Gatsas asked so we have a labor grade 16 doing the job and we want to go from a 22 to a 20. Is there a reason why the person at labor grade 16 is not...I assume she is qualified?

Chief Kane answered what we have done and what Virginia at HR has done is there were some questions in regards to the BSO position so we requested a desk audit of that position. As a result of that desk audit her recommendation was a pay grade 20.

Chairman Gatsas asked what is the pay grade of the person that is there now...the labor grade 16. What do they get paid?

Ms. Lamberton stated well the individual who is fulfilling the duties is a labor grade 16, however, the duties are higher than a labor grade 16 but they are not as high as a labor grade 22. In other words, the position was probably improperly

classified when Yarger Decker did their study. It should not have been a 22; it should have been a 20.

Chairman Gatsas asked is there a reason why it wouldn't be somewhere between a 20 and a 16.

Ms. Lamberton answered because of the level of accounting and then comparing it to other positions in other departments that have Financial Analysts that are labor grade 18's and 19's. These duties are higher and this is a manager versus a staff person. Like in the Finance Department you have Financial Analysts and I believe they are a grade 19 and they are just a staff person. The same thing in the Police Department. This position oversees and is responsible for the work of subordinate employees and the operation of the business office and administrative support.

Chairman Gatsas asked is there a Business Administrator in Police.

Ms. Lamberton answered there is a Business Service Officer in Police at the higher level.

Chairman Gatsas asked and what is that labor grade.

Ms. Lamberton answered that is a 22. There is a different type of accounting, a much higher level of accounting that goes on in the Police Department than in the Fire Department, which is how you can distinguish between the two. Same thing with the Parks Department. There is a higher level of accounting that is going on. Airport, Parks, Police...

Chairman Gatsas interjected can you explain to me what the difference is between the accounting in the Police Department and the accounting in the Fire Department.

Ms. Lamberton replied well if you read my letter it talks about generally accepted accounting principles. Those principles and those types of reports...some of the reports we talked about earlier today in other meetings, are being done in the Parks Department and the Police Department and the Airport. They are not done at the Fire Department. It just takes a different level of knowledge and skills and it is a different level of responsibility to do those types of accounting reports.

Chairman Gatsas asked give me an example of that report that has to be done that couldn't be done at the Finance Department.

Ms. Lamberton answered this is accounting that is done for the department head. We already tried that and it didn't work in the Health Department. Finance's

opinion about what information department heads need is quite different from what department heads need. So consequently that fell on its face because we did try that a few years ago.

Chairman Gatsas stated right but in any other company you would have one Chief Financial Officer that would do whatever divisions needed to be done. They wouldn't have a Chief Financial Officer at each division.

Ms. Lamberton responded it depends on the size of the division. If you are running a large department...they are running large, complex departments. The Finance Department isn't in a position to give them all of the information that they need on a day-to-day or weekly basis. I can't remember Fire but in Parks and Highway they do cost accounting and it is very complicated accounting that is not going to be done by a centralized department.

Chairman Gatsas replied I probably can agree with you on Parks because they have different projects...

Ms. Lamberton interjected Enterprise funds mixed with general funds and what not.

Chairman Gatsas responded right but I am trying to figure out what the difference is between Fire and Police.

Ms. Lamberton replied well the Police Department has other funds as well. They have a variety of grants. Some of their positions have partial grant payments. It is no different than the Enterprise. It is a mix of general fund and other funds as well.

Chairman Gatsas asked Chief don't you have Homeland Security funds. Don't you have a mix?

Chief Kane answered we do have Homeland Security funds that we are dealing with but I am not exactly sure how to answer your question. There may be some different types of accounting for their grants. I don't know that.

Alderman Shea asked Chief Kane would you envision that the person now serving as the Business Service Officer would be performing additional duties than they are right now? In other words would that person, for instance, be involved with the preparation of your budget? Would that person be involved with other types of responsibilities that they really aren't doing now that they would be responsible for if they were given this title of Business Service Officer?

Chief Kane answered it is not Business Service Officer. It is a Business Administrator and yes, obviously that person would be directly responsible for things that they are not necessarily responsible now. For instance, preparing the budget and monitoring the budget on a daily basis. The person doing it now does not have that responsibility.

Alderman Shea asked are there any other additional responsibilities that you can envision. In other words, if somebody is doing the job now and very capable it is sort of like...

Chief Kane interjected well somebody is doing the job now and they are very capable but they are not doing the whole job. They are not getting the job completely done. We are not getting the day-to-day analysis that we need. You have a person doing two jobs and neither job is necessarily getting done 100%. There is a lot of stuff that is being pushed off because one person can't do that.

Alderman Shea asked so that person that you have pushed into this particular position is also performing their other responsibilities at the same time and sort of going back and forth and trying to keep up is that what you are indicating.

Chief Kane answered that is correct.

Alderman Duval asked Chief Kane how long has this position been around for. Does this go back for all the years you have been there?

Chief Kane answered they called it different things during the course of the years but I have been there for 35 years now and someone has been in that position. They have called it different things. When I first came on those positions were all filled by firefighters. So there would have been someone who would have been a chief officer in that position and then it turned over to a civilian position and I believe Brent Lemire was in that position for a number of years and may have been there for 25 years but it carried different titles. The job was basically the same but it carried different titles over the years.

Alderman Duval asked was there discussion over the years about folding that into part of the finance operation here or putting it under their purview.

Chief Kane answered over the years there has been a lot of discussion about folding different financial functions in the departments into the Finance Department. That has gone back and forth. It has never really been something that has been very popular as Ms. Lamberton stated. Some of those functions were tried with the Health Department and it didn't really work out.

Alderman Duval asked the Finance Department I thought had weighed in on this during the last budget process and I thought there was talk about eliminating the position and having the Finance Department at City Hall here assume those responsibilities for managing that component of the Fire Department's operation.

Chief Kane answered there was definitely some talk about eliminating BSO positions and assuming some of those duties into Finance. We have talked with Finance a little bit in regards to this position and they have never come across with a plan to do that so I am not really sure if they have a plan to do that. The other thing is we talked about eliminating BSO positions and we said okay let's do a desk audit of the position and find out if the position was in fact needed and let's find out exactly what the position does and what the pay scale for that position should be. That is in fact why we did the desk audit and took the time to review that position and its function.

Alderman Garrity stated I am along the lines of Alderman Duval's understanding during the budget process that Finance was supposed to participate in this transition when the BSO was leaving. You are saying that it is almost December and there has been no plan or reaching out to you at all? Nothing?

Chief Kane responded there has been some discussion and most of the discussion has been on my part to say what is going on and do you have a plan and what is happening but I really haven't gotten a response.

Alderman Garrity stated I don't see anyone here from Finance. That was my understanding during the budget process.

Alderman Garrity moved to table. Alderman Duval duly seconded the motion. Chairman Gatsas called for a vote. There being none opposed, the motion carried.

Chairman Gatsas addressed Item 4 of the agenda:

Communication from Virginia Lamberton, Human Resources Director, submitting a proposed new class specification and position to be called Solid Waste Compliance Officer (salary range of \$32,312 to \$46,069).

Alderman Pinard moved to approve the new class specification. Alderman Duval duly seconded the motion for discussion.

Alderman Pinard stated I took a ride around some areas of my ward on Sunday and I definitely think we need a Compliance Officer. When you drive by some of these streets and you see the whole apartment on the sidewalk in more than one

location I think it is about time we got somebody out there to clean up these areas. They are in the good areas and in the bad areas. I stand on my motion.

Chairman Gatsas asked did this position come up during the budget process.

Ms. Lamberton answered it came up probably a good year ago. It came before this Committee. Kevin can correct me if I am wrong but it seems to me the Committee was concerned about how it was going to get paid for and Frank Thomas didn't have funds available at that time and he was going to come back to the full Board during the budget process and that is where I drop out.

Chairman Gatsas asked, Kevin, did you bring this forward during the budget process.

Kevin Sheppard, Deputy Public Works Director, stated this was submitted as part of our budget last year but was not funded. Last year also I believe either the Board or a Committee approved the position although there was no class specification to move forward with it subject to there being funding in the department's budget at the end of the year, which there was not at the time. I believe that a couple of Committees, including the Solid Waste Committee, have recommended that this position at least be created. At the present time there is no funding for this position. Again we would be looking for the class specification to be developed. We are not looking to fill this position tomorrow. Once we get through the winter months we would be taking a look at our budget to see if there is funding available to fill the position. This, I believe, is creating the class specification.

Ms. Lamberton responded yes as per the instructions from the full Board. They asked Frank Thomas and I to move forward with creating the classification.

Chairman Gatsas replied well once we create the classification that allows the department...

Ms. Lamberton interjected well you create the classification and the position but it is dependent on Frank Thomas to come up with the funds or come back to you and ask you for money to fund it.

Chairman Gatsas asked if he has the money in his budget tomorrow, or next week or in the spring can he just fund it.

Mr. Sheppard answered no.

Ms. Lamberton stated if you create the position and the class title...if you create just the class specification no but if you create the position and the specification, yes.

Chairman Gatsas stated so if we go ahead this evening and just create the class title then that gets us $\frac{3}{4}$ of the way there and they are still going to have to come to this Board.

Alderman Roy stated I respectfully disagree with the HR Director. The Mayor is the one who can approve filling this position but this came out of the long-term goals put together for the Solid Waste Committee – over three years worth of work and has been endorsed by the Public Safety Committee and the Police Department. I would ask that this Committee move it along. It is not a position that is being looked to be filled now. It would take the Director and I believe the Mayor to offer to fill this position but at least if it is on our books then we can look forward to having a good discussion in the budget sessions coming up next year.

Chairman Gatsas stated I guess the problem I have being the Chairman of this Committee is that we are four months into a budget. I think that if these positions that were going to be created were created during the budget process we could have had the dialogue. I think to circumvent the budget three or four months later with a position isn't in the best interest of the taxpayers of the City because all we see there is there are four or five new positions that are being created three or four months into a budget process. Where does this money all of the sudden appear?

Mr. Sheppard replied as I said this position has been around for probably over a year or two years as Alderman Roy said through the Solid Waste Committee. It has just never been created. It was asked for as part of the budget process and we will be putting it in our budget for next year to be filled. Again, our plan is not to fill this position today. Our budget is tight. We still need to get through the winter months. We would be looking at the earliest in the spring to fill this position.

Deputy City Clerk Johnson stated perhaps I can just clarify I think some of the discussion that is going on that went between Alderman Roy and Ms. Lamberton. It is my understanding that there are two issues on the table before the Committee. One is the position and one is the class specification. The class specification would establish a position within the City, not with any department, and titled what the class specification is. The position is not included in the budget process. It was not approved in the budget process and would require a separate action of the Board in order to accept that position within the Highway Department. Once the position was approved then depending on funding availability, it would be up

to the Mayor and the Highway Department to fill the position. So there are really three separate actions that you are talking about.

Chairman Gatsas asked so right now all you are looking for us to do is create...

Deputy City Clerk Johnson interjected there are two things that are in the communication. I believe the instruction of the Board was to establish the class specification. It was not to create a position within the Highway Department or add it to their complement at this time. That would require a separate action of the Board as I understand it. There are basically two requests within that communication before you.

Alderman Duval moved to approve the new class specification as recommended. Alderman Pinard duly seconded the motion. Chairman Gatsas called for a vote. The motion carried with Alderman Garrity being duly recorded in opposition.

Chairman Gatsas addressed Item 6 of the agenda:

Communication from Virginia Lamberton, Human Resources Director, on behalf of the Water Works Director, recommending that the Electrician II position at the Water Works Department be reclassified as a Process Control Technician, salary grade 19 (cost for balance of FY2007 would be \$1,174.77).

Alderman Shea asked Tom first of all this comes out of Enterprise funds correct.

Thomas Bowen, Water Works Director, answered that is correct.

Alderman Shea asked would you explain what that is so that the people listening would know.

Mr. Bowen answered sure. Any water revenues taken in by the Manchester Water Works are considered Enterprise funds and those are used exclusively for operations at the Manchester Water Works, including any payroll or operating expenses.

Alderman Shea asked could you elaborate on the position now please.

Mr. Bowen answered at the present time we have an Electrician II position at the department. We have found that over the years as the technology has changed substantially we have had a need for a higher level than strictly a Master Electrician; someone that is capable of doing the intricate programming to the

controls at the Water Treatment Plant, which at the present time are fully computerized. Everything runs off of computers, not only at our main console but also what are known as PLC's that are located at the devices, such as some of the large valves, as water flows through the plant they are geared so that as different events occur valves open and close allowing chemicals to flow in and allowing additional water to come in. All of that is done with computer operations and those are basically the skills that this individual has that are over and above those of a Master Electrician.

Alderman Shea asked will there only be one position.

Mr. Bowen answered yes there will.

Chairman Gatsas asked what is the current salary grade of the Electrician II.

Mr. Bowen answered his a pay grade 17A. He is getting an A-step at the present time. This is bringing him to a pay grade 19.

Chairman Gatsas asked with a grade 19 obviously there are increases at anniversary dates, etc.

Ms. Lamberton answered when I did the estimated cost for the year as of November 6 I took that all into consideration.

Chairman Gatsas asked so you have already done that.

Ms. Lamberton answered correct.

Alderman Shea moved to approve the request. Alderman Duval duly seconded the motion. Chairman Gatsas called for a vote. There being none opposed, the motion carried.

Chairman Gatsas addressed Item 7 of the agenda:

Communication from Virginia Lamberton, Human Resources Director,
proposing change to Ordinance 33.048, Advancements within Pay Range.

Ms. Lamberton stated this Committee did not like the former language, which if you look at my letter...do you have a copy of it. It had the current language in the ordinance, then the proposed language, which wasn't liked and so based on our discussions I changed it to the language on the second page. It is italicized and underlined.

Alderman Garrity stated I believe our previous discussion was that if the department head does not do the evaluation that that employee would not receive a step until the evaluation was done. I thought that was the discussion we had.

Chairman Gatsas stated I think we didn't want to penalize the employee because the department head failed to complete the evaluation. I can see where Alderman Garrity is going...

Alderman Garrity interjected I just don't believe this holds the department head's feet to the fire to get the evaluations done. It looks to me in the wording like the employee is still going to get the step whether the evaluation is done in a timely manner or not.

Ms. Lamberton responded yes that can happen. I think the language that you were upset about...if you look on the first page here the original language, which comes from all of the collective bargaining agreements says an incomplete evaluation will be considered a satisfactory evaluation. So that is why it was changed to say if a department head fails to complete the performance evaluation in a timely manner the employee's step increase shall be processed on the eligibility date of the step increase. It doesn't imply then that there are no problems. After our meeting I had called the departments and asked them if they ever have...departments that didn't get 100% on the survey that we did if they ever had an employee get a step that they didn't want to get a step because of the language in the collective bargaining agreement or the proposed language and the answer was absolutely not. They are going to be extra careful watching for the people they are having problems with versus the long-term good employees. Those are the ones they will do after they have done the problem employees essentially is what they were saying.

Alderman Shea stated the question that I formulated is what incentive is there under the proposed language that you have developed for a department head to complete the performance evaluation if, in fact, it makes no difference to the employee because good job/bad job same pay.

Ms. Lamberton replied I know what you are saying but what I am trying to point out to you is that...

Alderman Shea interjected can I continue. Why can't we somehow or you I guess devise a situation whereby if a department head is neglectful in not evaluating the employee there has to be some recourse on the part of someone to say your responsibilities involve this particular duty and if you don't perform the duty somehow for whatever reason, if it is not a legitimate reason, there should be some

kind of evaluation on the part of either the Mayor who evaluated the department head or some kind of evaluation to indicate that there is neglect on the part of the department head? As I brought out at other meetings if a department head doesn't sufficiently evaluate an employee and that employee is terminated and they file a grievance they can come back and say my evaluations are okay because nobody evaluated me so how can they fire me. That is part of the problem that you have in industry today when people are just sliding by and not performing the way they should. Some people who do perform look at somebody else that doesn't and say they are getting the same pay as I am and they are doing half the work and that is the responsibility of the person in charge of that department in my judgement. So there has to be some incentive on the part of the department head to delegate to either someone in that department to evaluate the employees or that person themselves but the buck stops with the department head and that is why you have incompetence in government or in any other walk of life today because people aren't properly being evaluated for the jobs that they are being paid for.

Ms. Lamberton stated I would like to make two comments about that. The first comment is, which is why this is here, is that all of the employees who are unionized, which is like 850 or 900 employees have this language in their collective bargaining agreements already. This ordinance would just be for the non-affiliated employees. That is one comment. The second comment is I don't disagree with you and I think that whoever is in charge...the Mayor should be asking for statistical information when he or she does performance evaluations on department heads. I think this is a very important thing to find out if the department head is doing. I completely agree with you on that. In my tenure here, that has not happened. The first time that question got asked was when this Committee asked me to go and look at the files. Because of that and because of the report that came to you, the performance evaluations have been flying in. Everybody is doing their job now. We don't get forms anymore with steps without the evaluation attached to it, which is great. Maybe we should do it once a year...have a report card once a year on are the department heads doing their performance evaluations.

Chairman Gatsas stated Ginny let me understand what you are saying. The collective bargaining agreements already, whether we put this in this ordinance or not, the step increases are there?

Ms. Lamberton responded for unionized employees.

Chairman Gatsas asked whether they receive an evaluation or not.

Ms. Lamberton answered that is correct.

Chairman Gatsas asked so this really is only for the non-affiliated employees.

Ms. Lamberton answered that is correct.

Chairman Gatsas asked which is how many employees.

Ms. Lamberton answered I think 250 or 300 at the most out of 1,200+ employees.

Chairman Gatsas asked so this really has nothing to do with the 850 people.

Ms. Lamberton answered no.

Chairman Gatsas stated I think I may have asked this question once before. Of the 1,100 employees that we have, has anyone ever been denied a step increase?

Ms. Lamberton answered yes.

Chairman Gatsas asked in the last year.

Ms. Lamberton answered yes.

Chairman Gatsas asked how many.

Ms. Lamberton responded the ones that I was aware of were this summer we had two or three employees who actually were in unions who had their steps withheld and they went through an appeal process that is provided for in their collective bargaining agreements.

Chairman Gatsas asked and once they went through the appeal process were they...

Ms. Lamberton interjected one person did not get it and one person's they gave the manager and the employee an additional six months, which is up in December, to see if the employee improved in the problem areas. Then the department head would decide whether or not the step would be granted at that time. If not, they would withhold it again and the employee could come back before the appeals committee.

Alderman Shea asked the people that are in the unions are not evaluated by their department head.

Ms. Lamberton answered yes they are.

Alderman Shea stated I got the impression from what you said that they weren't. So they are evaluated?

Ms. Lamberton responded they are evaluated but if you looked at that report I gave you a few months ago, you will see that there were some departments that were not good about getting their evaluations done within the time period required. That doesn't mean that I don't get them later. What I did was take July 1, 2005 to June 30, 2006 to see if there was an up-to-date performance evaluation in that file. That is what I did and those are the statistics that you received. I don't know if I have those with me or not. I guess I don't have them with me tonight. I am just trying to have everybody be treated equally. That is all I am trying to do.

On motion of Alderman Garrity, duly seconded by Alderman Duval it was voted to recommend approval of the proposed ordinance change.

Chairman Gatsas addressed Item 8 of the agenda:

Communication from Virginia Lamberton, Human Resources Director, submitting a proposed amendment to Ordinance 33.079 (H) and a proposed policy for purchasing vacation credits and enrollment form.

Chairman Gatsas asked Ginny is this a use it or lose it rule.

Ms. Lamberton answered yes.

Chairman Gatsas asked is this allowable within Section 125 of the federal code.

Ms. Lamberton answered yes it is. It is fairly new. It is probably two or three years old and a lot of public sector businesses are doing this. PSNH does this. It allows employees basically to pay for their own...if they want to have more vacation time they have to pay for it with a payroll deduction and then when they take the time the money is taken out of their account and they receive their paycheck. It costs the City absolutely nothing and if they leave for some reason and they owe us money we can take it back from them. If for some reason they took a day and there wasn't enough money in their account to take, then we can take that money back from them.

Chairman Gatsas asked does it say that on this form.

Ms. Lamberton answered yes. It says it right on the form. The employee has to sign off on that. Attached to the policy is a very detailed form and they have to initial every little thing. It says Enrollment Form on the top.

Alderman Shea asked Ginny is there any limit to the amount of vacation time.

Ms. Lamberton answered yes no more than two weeks. The most important thing is that an employee just can't decide they are going to do this. It is up to their department head to sign off on it so if the department head doesn't think that there is going to be enough time for that employee or there is too much work for that employee to do this then they would say I am sorry you can't do this.

Chairman Gatsas asked what happens if this employee takes the two weeks and there isn't enough in the account.

Ms. Lamberton answered if you look at the last thing it says "I understand that if I terminate my employment and have received vacation credit pay but have not paid for it, the amount overpaid shall be deducted from my final paycheck.

Chairman Gatsas asked what if there is not enough in the final paycheck.

Ms. Lamberton answered well there should be because you are paying by the week. There should be enough time. If they have two weeks coming to them, they can't buy more than two weeks time.

Alderman Duval moved to recommend approval of the proposed ordinance amendment. Alderman Pinard duly seconded the motion.

Chairman Gatsas stated for clarification how many people do we have participating in the flexible medical program.

Ms. Lamberton responded I apologize but I haven't checked that in awhile. I would say...I just looked at the statements today and there were at least five or six pages of names listed. However many names you can get on a page I don't know but we have a considerable number of employees on it and we continue to educate them about the advantages of flexible spending but I think people just don't understand it. I have gone around to the departments like the Police Department, etc. and explained it at shift change and whatnot and frankly when I first heard about it I was a little suspicious because it is a win-win situation provided for by the IRS and whoever heard of the IRS providing a win-win situation so people get a little bit concerned. It is a really great program.

Chairman Gatsas asked do we have 100% of our employees participating in the medical insurance.

Ms. Lamberton answered with the premiums yes. Everybody signs off on that in orientation and general insurance. Those are the two primary insurance's we do that with.

Chairman Gatsas called for a vote. There being none opposed, the motion carried.

Chairman Gatsas addressed Item 9 of the agenda:

Communication from Virginia Lamberton, Human Resources Director, on behalf of the Mayor, recommending authorization of an additional Assistant to the Mayor position (part-time) be approved (cost for balance of FY2007 would be \$15,500).

Alderman Garrity asked Mayor Guinta could you briefly explain the duties, the primary duties, of this particular person.

Mayor Guinta stated this would be a part-time position without benefits, Assistant to the Mayor, specifically dedicated to education issues in the City. My hope and intention is that we can continue to try to improve education in the City with the assistance of this individual. I believe that this individual would also provide monthly reports to the Board of Mayor and Aldermen as to educational issues in the City. I think there is not only a benefit to my office in terms of policy but a benefit to the Aldermen as well.

Alderman Duval stated Mayor as I recall and you have to forgive me because it got kind of frantic there at the end of the budget process but I recall that it was funded in the budget cycle.

Mayor Guinta replied yes the budget that was proposed included an amendment to include the dollars. That was approved in the budget and adopted in the final budget appropriation and currently the money is in my budget and I am asking for the position to be created so I can now utilize that position.

Alderman Duval asked so the position essentially has been unfilled since that time.

Mayor Guinta answered yes. Initially there was \$25,000 appropriated for this. Because I am not looking to fill it until now, I would only be using \$15,500.

Alderman Shea asked how would you answer this question – an educational aide called me tonight and said to me I have worked 14 years as an educational aide and I do not make \$500 a week. I couldn't answer that question because that particular person was very upset with the fact that someone would be getting

\$15,500 when that person has worked 14 years as an educational aide and cannot receive the same amount of money and that person works every day 182 days. How would you answer that person?

Mayor Guinta replied I am not sure specifically who you are referring to or if they work in the Manchester School District...

Alderman Shea interjected yes they do.

Mayor Guinta stated well I can tell you that there are plenty of jobs in the Manchester School District that pay far more than \$15,000 for six months.

Alderman Shea replied she is an educational aide for the school system. She works as an aide in the school system. That is what her responsibilities have been.

Mayor Guinta responded I don't know if the two positions are equal in terms of responsibility so I couldn't really speak to the amount of money that she is earning.

Alderman Shea stated but I mean the justification for it. In other words, will the justification for funding this position be the same as her particular workmanship in the classroom with children? That is what her concern was.

Mayor Guinta replied the position that I am asking for is an Assistant to the Mayor who would be specifically working on education issues. I don't know if that 100% translates or relates to the position that you are referencing in the School District.

Alderman Shea stated but these are the kinds of calls I have received and I wanted to share them with you and the others here.

Ms. Lamberton asked can I make a comment. According to our alphabetical listing of job titles in the City, an educational assistant who now works for the Schools was a salary grade 9. A salary grade 9 has a minimum salary of \$21,530...

Alderman Shea interjected no it is an educational aide. A person working...an educational aide does not get \$21,000. An aide in the classroom. I don't know what you are referring to. The person that called me knows what they are receiving. They wouldn't tell me what...

Ms. Lamberton interjected sometimes people will call you with those things but is it an aide working four hours a day or is it a 35 hour job. This position, I think, is four or five days a week is it not Mayor?

Mayor Guinta responded that is correct.

Ms. Lamberton stated people don't see things equally when it comes to their own salaries.

Alderman Shea replied that is correct but what I am trying to tell you is that person has worked as an educational aide for 14 years and does not make more than \$15,500. Now if you want verification, I will have the person call you.

Ms. Lamberton responded that would be good.

Alderman Garrity stated the fact that 60% of our budget goes towards education and the fact that this particular person is going to be working for the Mayor with the School District at \$145 million budget I think it is a valuable position. Being a former School Board member I think it will be a great asset to the Chairman of the School Board, which is the Mayor, and also the Aldermen. I think it will be a great asset and that it is money well spent at this point.

Alderman Duval stated it just occurs to me and I chatted briefly with the Mayor about this...I, for one, supported it through the budget process because I do believe in giving the tools and resources necessary to the Mayor's Office regardless of who is in the position of Mayor at the time, the tools that they need to function and allow them an opportunity to set the priorities for their administration and to carry out the priorities as they see fit. I feel pretty strongly about that. The Board already took a position and we funded it. To be quite honest with you, I was surprised it wasn't filled yet so I think we have to follow through with the actions of the Board before the budget was concluded.

Chairman Gatsas asked did we create a class specification for this position.

Ms. Lamberton answered there is a generic class specification that says Assistant to the Mayor. What we...a few years ago in talking with Solicitor Clark we talked about the Mayor's Office being different than other departments. The Mayor's Office gets an appropriation and in order to pay people we have to have a classification so it is up to the Mayor how much he or she wants to pay the people once they are hired. The thing that the Mayor can't do unilaterally is change the complement. That is what we are really doing today. We are changing the complement in the Mayor's Office to three and a half or four staff people and the Mayor versus three people and the Mayor.

Alderman Shea stated I know my colleague made reference to the fact that he served on the School Board...for how many terms.

Alderman Garrity responded a couple.

Alderman Shea stated as a former employee of the School Department for almost 40 years I have never once heard of a position coming from the Mayor's Office in terms of going into the School District, which is separate. If the School District does not have the necessary personnel to comply with what the educational needs are of the school children then I would say basically there has to be some kind of adjustment made. To me I can't possibly see how someone working out of the Mayor's Office can get the necessary information. I think the School District should provide that information to the Mayor rather than the Mayor working in conjunction with their office and providing some kind of research to the School District. That is how I feel about the situation.

Alderman Duval stated I probably have a slightly different view than my colleague from Ward 7 who I have the utmost respect for. I just think that for me as a new Board member I can tell you that it was challenging to get information from the School Department despite the fact that I have a good working relationship with a number of the School Board members. It was a daunting task. A significant amount of tax dollars go to fund public education in our City and if the Mayor thinks that this is going to aid in an open exchange of dialogue with the School District then I think there is some potential value there that is certainly worth exploring. I think it has the potential to be a very good idea. Time will tell. We can certainly eliminate the position in future budgets if the Board so desires but I think there is an upside that could be recognized by having a resource person to the Mayor's Office and more importantly to each individual Board member to get information, especially during budget time, to become more informed.

Chairman Gatsas stated your Honor we just went through one position here that was the Solid Waste Compliance Officer. I just have a problem that we are four months into a budget and we have positions and obviously taxpayers that are crying out there about their tax bills...there was a \$400,000 budget cut that came before us three weeks ago. Whether we need them or we don't need them I don't think it is an appropriate time for us to spend money when we are looking to cut.

Mayor Guinta responded I actually agree with your comment. The distinction between the two positions is the previous position did not include any funding in the budget. The position that I am asking for does include funding in my budget so it doesn't impact the tax rate. I certainly want to continue to look for ways to try to be more efficient and cut waste if possible. I think this is an important

position and quite honestly I waited to come to the Committee about creating this position because we hadn't found the appropriate candidate. We feel that we have a proper candidate now and I think it is going to benefit myself and the Aldermen and the City. Again, I would be spending less than was appropriated in my budget. I recognize the Board's concerns with expenditures, which is why I decided to ask for just a part-time position without benefits rather than a full-time position. I think it is an appropriate time at this point to be asking this Committee. I certainly would indulge your support.

Alderman Shea stated I hate to put you on the spot, your Honor, but did you include this in your budget or was it included in the budget that Alderman Lopez submitted.

Mayor Guinta replied this originally was not included in my budget...

Alderman Shea interjected could I ask you why it wasn't.

Mayor Guinta responded at the time there was a discussion, a rather public one, about numbers of people in the Mayor's Office and it appeared to be clear that the Aldermen were not interested in creating an additional position. I really wasn't looking for additional spending, just an additional position. As the budget process continued and Alderman Lopez provided his budget there were additional funds at that time appropriated in the budget and approved. Maybe there was a maturation of some of the Aldermen on that position or on the issue. I look at this not necessarily as adding significant expenditures to the Mayor's Office but I look at it as utilizing resources in a more effective manner to try to have more people focusing on work on behalf of the constituents. Again, it is not a full-time position but a part-time position and it will be \$15,500. We appropriated \$25,000 so it will certainly be less than what was appropriated.

Alderman Shea asked but if it wasn't included in your budget, it would not be a position that we would be filling today. Since it was included in Alderman Lopez's budget then the necessary resources were there in order for you to add this person at this time.

Mayor Guinta answered that is correct.

Alderman Shea stated meaning that in essence it wasn't logically that important at the time that you submitted your budget.

Mayor Guinta replied that is not what I said. It was important. If you recall I tried to use, with the existing resources of the Mayor's Office, four people. That was looked on or viewed as not something the Aldermen would support at the time so

when I created my budget back in March I didn't think that that position changed. I am not sure the date that Alderman Lopez offered his budget but it was significantly later after my budget was crafted and proposed to the Aldermen. What I saw was a shift in the position by several Aldermen so at this point I think it is an appropriate time to be asking the Committee to establish the position.

Alderman Lopez stated a couple of points that I would like to bring to the Committee's attention. One, when we were going through the budget process you, as the Vice-Chair...we indicated \$269,000 for the Mayor's Office and that was smaller than Mayor Baines' budget and said the Mayor could very well survive with that particular item. The second item I want to bring to your attention as a Committee is it was a last minute compromise among the Aldermen, by two Aldermen in particular, who asked that this money be put in the Mayor's budget for cooperation within the City and it was done. At that time there was no discussion with these Aldermen in reference to what it was going to be used for. It was just put in for cooperation and that is what it was for. Since that time I have learned that two of the employees in the Mayor's Office received a substantial pay raise, number one, which I never would have supported in the first place but that is besides the point and the last thing I would like to bring to your attention is I don't think this position is necessary and I will tell you why. I believe that we have 14 School Board members over there. We have some very capable people over there. I have supported the Mayor in getting a line item budget. I would hope that they are working on that by now as they have been directed by the Mayor. I also believe...I would hope that the Mayor would indicate exactly what he wants this individual to do over there and that he convey this to the 14 School Board members and they support this. To send an individual over there...we are paying people over \$100,000 over there. We should be able to get any information we want. The Mayor has at his disposal any advisory committee whatsoever to give him ideas on education. I don't think one man going over there is going to come back and do anything. That is my position.

Chairman Gatsas stated so I guess anyone that voted against the tax increase budget would certainly be voting against this position seeing that there was a tax increase to the people in the City. If that is the position we are going to take even though you decided to, in the spirit of cooperation, add money to the Mayor's budget that if we didn't vote for the budget that increased taxpayer's money then we shouldn't be voting for this position.

Alderman Lopez replied let me answer your question this way. It is another debate whether or not there was a tax increase. The tax increase, I think, was there in either case and that is another argument for another day. I think that we all know that and that is reality. The facts are the facts. I think in statistical and financial numbers the Finance Officer will tell you exactly what the tax increase

was in all budgets that were presented. I think that we did a very good job in presenting a responsible budget for the City of Manchester. I agree with you that this money should not be spent. There are departments around that are in need and the salary adjustment account...I don't think we have any financial data from the Fire Department...

Chairman Gatsas interjected with all due respect Alderman, if you put the money in your budget then you should be voting to allow the Mayor to spend it. Contrary, I voted against that budget so I would say to the Mayor I don't think he should be spending it.

Alderman Lopez responded I agree with you. I don't think he should spend it on this...

Chairman Gatsas interjected but you put it in the budget. It was a line item in your budget.

Alderman Lopez stated Alderman just one other thing. I don't think he ought to be putting another position in the Mayor's Office when he has the staff and the entire City to do things in the City.

Chairman Gatsas responded with all due respect, you put the money in that line item. The line item was put there. It was not a budget that I voted for.

Alderman Shea stated well I didn't vote for the budget either but I know people here who didn't vote for the budget are supporting this.

Alderman Garrity stated we didn't vote yet.

Alderman Shea stated my point is that we shouldn't hold people accountable for every action that they make because sometimes people do change their opinion about things. I am not saying that you are for or against it, Alderman Garrity. I am just saying that people do change their mind about different items.

Alderman Garrity stated I am not changing my mind about anything. I think this is a valuable position that is needed as a person that the Mayor and the School District can work with. You can put all the words you want in my mouth but it is not going to work Alderman Shea.

Alderman Shea replied I am just saying to you that Alderman Lopez was obviously spoken against by the Chairman, respectfully, who said that he voted for a budget. You in turn favored the Mayor's budget. Now if you vote for this you

are doing the same thing that Alderman Gatsas is accusing Alderman Lopez of doing.

Chairman Gatsas stated we can go back and forth here all evening about budgets that created a tax increase. I think that is a different issue. We are talking about a position. I think I was pretty clear about my position when we took the Solid Waste Compliance Officer issue up. Either we are going to continue down a course that says anybody that is coming before us with a new position four months into a budget...and I understand where the Mayor is but that is a whole different story. My position is much different. Is there anymore discussion on the position?

Alderman Garrity stated with the understanding that the position is funded in the Mayor's budget.

Mayor Guinta stated the money is in my current budget. It was funded at \$25,000. I need to create the position and I am asking to spend \$15,500. I will still be spending less than what I was appropriated for the position.

Alderman Pinard moved to authorize the Mayor to add an additional part-time Assistant position at a cost of \$15,500 for FY07. Alderman Garrity duly seconded the motion. Alderman Shea requested a roll call vote. Aldermen Shea and Gatsas voted nay. Aldermen Garrity, Duval, and Pinard voted yea. The motion carried.

TABLED ITEMS

10. Communication from Virginia Lamberton, Human Resources Director, requesting that the two support positions assigned to the Ordinance Violations Unit in the Police Department be reclassified to the level of Customer Service Representative II.

On motion of Alderman Duval, duly seconded by Alderman Shea, it was voted to remove Item 10 from the table.

On motion of Alderman Duval, duly seconded by Alderman Pinard it was voted to approve the request.

11. Communication from Virginia Lamberton, Human Resources Director, on behalf of the Public Works Director, requesting reallocation of the Equipment Service Technician II position, from a salary grade 13 to a salary grade 14.

On motion of Alderman Duval, duly seconded by Alderman Shea, it was voted to remove Item 11 from the table.

On motion of Alderman Duval, duly seconded by Alderman Pinard, it was voted to approve the request.

12. Communication from Virginia Lamberton, Human Resources Director, requesting that the Grants Coordinator position be reclassified to a new title of VISTA Project Administrator, salary grade 20.

On motion of Alderman Duval, duly seconded by Alderman Shea, it was voted to remove Item 12 from the agenda.

Alderman Garrity stated I would feel much more comfortable with this if the VISTA Project Administrator was here and I don't see him. I have a few questions. I would like to move to put it back on the table.

Alderman Shea duly seconded the motion to put it back on the table. Chairman Gatsas called for a vote. There being none opposed, the motion carried.

13. Communication from Virginia Lamberton, Human Resources Director, relative to performance appraisals and whether or not any employee received a merit step that department heads had not intended receive one.

On motion of Alderman Shea, duly seconded by Alderman Garrity, it was voted to remove Item 13 from the table.

Ms. Lamberton stated somehow or another it stayed on the table but it was an item earlier on the agenda.

On motion of Alderman Shea, duly seconded by Alderman Duval, it was voted to receive and file.

NEW BUSINESS

Ms. Lamberton stated Diane Prew would like to have you go into executive session on a personnel matter.

Deputy City Clerk Johnson stated you need a motion to enter into executive session.

Alderman Shea moved to enter into non-public session pursuant to RSA 91-A:3 II(a). Alderman Garrity duly seconded the motion. A roll call vote was taken. Aldermen Gatsas, Shea, Garrity, Duval and Pinard voted yea. The motion carried.

On motion of Alderman Garrity, duly seconded by Alderman Duval, it was voted to close the non-public session and return to the public meeting.

There being no further business, on motion of Alderman Garrity, duly seconded by Alderman Duval, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee